

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Endler, et al.)
)
Serial No.: 10/821,142)
) Examiner: James M. Hannett
Filed: April 7, 2004)
) Art Unit: 2622
For: DIGITAL CAMERA WITH A)
SPHERICAL DISPLAY)
(amended title)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF**

Sir:

In response to the Notification of October 29, 2007, please note the following remarks:

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

In response to the Office Action mailed October 29, 2007 as entered in the above-captioned matter, Applicants' Appeal Brief was identified as defective for stating that claims 22 and 23 are cancelled when they had not been cancelled in a prior amendment.

Applicants do not desire to pursue an allowance of these claims for the reason that they were intended to be dependent upon previously-cancelled claim 19. It was only via a typographical error that they were originally written as dependent upon claim 18. Accordingly, Applicants have filed an amended appeal brief wherein claims 22 and 23 are not asserted to have been cancelled. However, in this brief Applicants are not appealing the rejection of these two claims. Applicants' decision is not as a result of any argument or reason provided in any prior office action. Rather, Applicants believe that it is procedurally more expedient to simply file this amended appeal brief as opposed to also filing an amendment canceling these two claims.

CONCLUSION

For all the reasons advanced above, Applicants submit that the Amended Appeal Brief fully complies with the applicable regulations and that the October 29 Notification should be withdrawn.

Respectfully submitted,

/Gary D. Mann/
Gary D. Mann
Reg. No. 34,867

Dated: Nov. 29, 2007

FITCH EVEN TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
Chicago, IL 60603

(818) 715-7025
(818) 715-7033 (fax)